

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**FRANKLIN L. GIBBS,**

Petitioner,

v.

**WALTER DINWIDDIE,**

Respondent.

**No. CIV 09-427-FHS-KEW**

**ORDER AND OPINION**  
**DENYING CERTIFICATE OF APPEALABILITY**

Petitioner has filed a notice of intent to appeal the court's order entered June 29, 2010, denying petitioner's petition for a writ of habeas corpus. After a careful review of the record, the court concludes petitioner has failed to make a "substantial showing of the denial of a constitutional right," as required by 28 U.S.C. § 2253(c)(2). The court further finds petitioner has not shown "at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

ACCORDINGLY, petitioner is denied a certificate of appealability.

DATED this 15<sup>th</sup> day of July, 2010.

  
Frank H. Seay  
United States District Judge